

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1587.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	June 15, 2000
DATE OF REPORT:	July 13, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 12, 2000

COMPLAINT ISSUES:

Whether the Indianapolis Public Schools violated:

34 CFR 300.342 with regard to the school's alleged failure to have individualized education programs (IEPs) in effect for students at the beginning of the school year.

511 IAC 7-3-50 with regard to the school's alleged failure to ensure the teacher of record for the identified students monitored the implementation of each student's IEP and provided direct or indirect services to the student in accordance with the student's IEP.

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's IEP as written.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-12-1(l) with regard to the school's alleged failure to keep in the record of each student receiving special education or related services an IEP that is no more than twelve months old.

FINDINGS OF FACT:

1. The complaint involves ten special education students who received educational instruction in a classroom for moderate to severe mentally handicapped students during the 1999-2000 school year.
2. According to IEPs provided by the school, all ten students had current IEPs in effect at the beginning of the 1999-2000 school year. The complainant contends that the IEPs are not kept in the classroom setting.
3. According to the supervisor of special education, the IEPs for all ten students were monitored for implementation purposes during the 1999-2000 school year. She states direct and indirect services were provided in accordance with the requirements established by the student's IEP. Although the ages and grade levels of the students varied, the students received educational instruction in a self-contained classroom. The classroom was cross-categorical, and an alternative community curriculum was provided. One teacher and two instructional assistants were assigned to the classroom and an occupational therapist visited the classroom on a regular basis. In addition, the high school special education department head visited the classroom at least weekly. The classroom teacher also served as the teacher of record. The special education supervisor states student/teacher ratios are reviewed annually for every classroom, and it was determined this classroom was adequately staffed to meet the instructional needs of the students. The students' teacher of record also attended each CCC meeting convened for the ten students, and when available, two teachers from the special assignments section of the Education Center also attend

the CCC meetings to provide consultative services. The supervisor of special education states she has not received concerns from other parents or school personnel concerning the non-implementation of IEPs in this particular classroom. The parent did not provide the Division with any documentation to substantiate that the students' IEPs were not being monitored for implementation.

4. On June 19, 2000, the Division received a copy of the Pre-Hearing Conference Report from the independent hearing officer. The Report indicates that one of the issues formulated at the conference to address at the hearing was whether the school failed to fully implement the student's IEP for the 1999-2000 school year. On June 21, 2000, the parent requested that the issue of the school's alleged failure to implement the student's IEP as written be eliminated from the investigation process as this issue would be subsumed into the due process hearing.
5. In reviewing the IEPs submitted to the Division it was determined that during the 1999-2000 school year four of the students had IEPs that were more than twelve months old. The following dates reflect when the student's last two IEPs were written:

Student A	October 8, 1998, and October 21, 1999
Student B	November 13, 1998, and November 19, 1999
Student C	February 17, 1999, and March 31, 2000
Student D	May 5, 1999, and May 10, 2000

CONCLUSIONS:

1. Finding of Fact #2 indicates all ten students had current IEPs in effect at the beginning of the 1999-2000 school year. Although IEPs must be accessible to the teaching staff, there is no requirement that stipulates IEPs must be kept in the classroom setting. Therefore, no violation of 34 CFR 300.342 is found.
2. Finding of Fact #3 reflects that the school ensured the teacher of record monitored the implementation of each student's IEP and provided direct or indirect services to the student in accordance with the student's IEP. Therefore, no violation of 511 IAC 7-3-50 is found.
3. Finding of Fact #4 indicates the issue of the school's alleged failure to implement the student's IEP as written would be subsumed into the due process hearing. Therefore, the Division makes no finding with regard to 511 IAC 7-12-1.
4. Finding of Fact #5 reflects that during the 1999-2000 school year, four students had IEPs that were more than twelve months old. Therefore, a violation of 511 IAC 7-12-1(I) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Indianapolis Public Schools shall:

1. In-service all appropriate personnel as to the requirements as specified in 511 IAC 7-27-4(a)(2) and 511 IAC 7-27-7(d). Submit documentation to the Division that all in-service training has been completed no later than September 22, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Submit an assurance letter to the Division no later than August 4, 2000, stating the that school corporation will keep in the record of each student receiving special education or related services an

IEP that is no more than twelve months old.

DATE REPORT COMPLETED: July 13, 2000